

1     Rule 6.1. Practice of law.

2     (a) Except as set forth in subsection (c) of this Rule, only persons who are active members in  
3 good standing of the Utah State Bar may engage in the practice of law in Utah.

4     (b) For purposes of this Rule:

5     (b)(1) The “practice of law” is the representation of the interests of another person by  
6 informing, counseling, advising, assisting, or advocating for that person through application of  
7 the law and associated legal principles to that person’s facts and circumstances.

8     (b)(2) The “law” is the collective body of declarations by governmental authorities that  
9 establish a person’s rights, duties, constraints and freedoms and consists primarily of:

10     (b)(2)(i) constitutional provisions, treaties, statutes, ordinances, rules, regulations and  
11 similarly enacted declarations; and

12     (b)(2)(ii) decisions, orders and deliberations of adjudicative, legislative and executive bodies  
13 of government that have authority to interpret, prescribe and determine a person’s rights, duties,  
14 constraints and freedoms.

15     (b)(3) “Person” includes the plural as well as the singular and legal entities as well as natural  
16 persons.

17     (c) To the extent that a person not otherwise authorized to practice law in Utah is engaged in  
18 any of the following acts, such a person is not engaged in the unauthorized practice of law or  
19 subject to discipline under Rule 6(a) when:

20     (c)(1) Making legal forms available to the general public, whether by sale or otherwise, or  
21 publishing legal self-help information by print or electronic media.

22     (c)(2) Providing general legal information, opinions or recommendations about possible  
23 legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related  
24 to another person’s facts or circumstances.

25     (c)(3) Providing assistance without compensation to another person to complete forms  
26 provided by a court for protection from harassment or domestic violence or abuse.

27     (c)(4) Assisting one’s minor child or ward in a juvenile court proceeding, subject to court  
28 approval.

29     (c)(5) Representing without compensation a natural person or representing a legal entity as  
30 an employee representative in small claims court, subject to court approval.

(c)(6) Representing without compensation a natural person or representing a legal entity as an employee representative in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.

(c)(7) Representing a party in any mediation proceeding.

(c)(8) Acting as a lay representative before administrative tribunals or agencies as authorized by tribunal or agency rule or practice.

(c)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator, including court facilitator.

(c)(10) Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.

(c)(11) Representing persons as permitted by the pro hac vice rules adopted by Utah state and federal courts or under any applicable admission rules for persons admitted to practice law in other jurisdictions.

(c)(12) Advising or preparing documents for others by persons whose occupations (i) involve applications of one or more areas of the law and (ii) are regulated or subject to professional oversight by an administrative agency of the State of Utah or by a nationally recognized professional licensing or accreditation organization.

(c)(13) Lobbying governmental bodies as an agent or representative of others.

(c)(14) As otherwise determined by the Utah Supreme Court by rule, order or decision.

Comment:

Subsection (a)

“Active” in this paragraph refers to the formal status of a lawyer, as determined by the Utah State Bar. Among other things, an active lawyer must comply with the Bar’s requirements for continuing legal education.

Subsection (b).

The practice of law defined in Subparagraph (b)(1) includes: giving advice or counsel to another person as to that person’s legal rights or responsibilities with respect to that person’s facts and circumstances; selecting, drafting or completing legal documents that affect the legal rights or responsibilities of another person; representing another person before an adjudicative,

61 legislative or executive body, including the preparation or filing of documents and conducting  
62 discovery; negotiating legal rights or responsibilities on behalf of another person.

63 Because representing oneself does not involve another person, it is not technically the  
64 “practice of law.” Thus, any natural person may represent oneself as an individual in any legal  
65 context. To the same effect is Section III.T of the Rules for Integration and Management of the  
66 Utah State Bar: “Nothing in this section shall prohibit a person who is unlicensed as an attorney  
67 at law or a foreign legal consultant from personally representing that person's own interests in a  
68 cause to which the person is a party in his or her own right and not as assignee.”

69 As defined in subparagraph (b)(2), “the law” is a comprehensive term that includes not only  
70 the black-letter law set forth in constitutions, treaties, statutes, ordinances, administrative and  
71 court rules and regulations, and similar enactments of governmental authorities, but the entire  
72 fabric of its development, enforcement, application and interpretation.

73 Laws duly enacted by the electorate by initiative and referendum under constitutional  
74 authority would be included under subparagraph (b)(2)(i).

75 Subparagraph (b)(2)(ii) is intended to incorporate the breadth of decisional law, as well as the  
76 background, such as committee hearings, floor discussions and other legislative history, that  
77 often accompanies the written law of legislatures and other law- and rule-making bodies.  
78 Reference to adjudicative bodies in this subparagraph includes courts and similar tribunals,  
79 arbitrators, administrative agencies and other bodies that render judgments or opinions involving  
80 a person's interests.

81 Subsection (c).

82 To the extent not already addressed by the requirement that the practice of law involves the  
83 representation of others, subparagraph (c)(2) permits the direct and indirect dissemination of  
84 legal information in an educational context, such as legal teaching and lectures.

85 Subparagraph (c)(3) permits assistance provided by employees of the courts and legal-aid  
86 and similar organizations that do not charge for providing these services.

87 Subparagraph (c)(7) applies only to the procedures directly related to parties' involvement  
88 before a third-party mediation neutral; it does not extend to any related judicial proceedings  
89 unless otherwise provided for under this rule (e.g., under subparagraph (c)(5)).

90 Subparagraph (c)(12) is intended to include the advice and document preparation rendered by  
91 certified public accountants, alternate dispute resolution practitioners, marriage and family

92 therapists, real estate agents and brokers, securities agents and brokers, estate and financial  
93 planners and advisors, and persons engaged in similar law-related occupations that are subject to  
94 some form of government regulation or occupational certification or accreditation.

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